

WILLIAM EDWARD MILLS

1944-1969

*"Your cause of sorrow must not be measured by his worth,
for then it hath no end."*

Shakespeare

Macbeth, Act v, Scene viii

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Nader Challenges UK Law Students

Ralph Nader graduated Phi Beta Kappa from Princeton in 1955 and received his LL.B degree from Harvard Law School in 1958. He practiced law in Hartford, Connecticut for a while and continued his research on safety defects in automobiles, a problem he had initially become concerned with while attending Harvard. It was this issue which would project him to national prominence through his 1965 publication, "Unsafe at any Speed." Nader's interests have not been restricted to automobile safety however, and it is reasonable to assume that he will have a comparable impact upon the areas he is currently concerned with which include the sanitary conditions of the meat and fish industries, air and water pollution, and working conditions for coal miners. The Commentator had hoped to present a dialogue between Mr. Nader and Governor Nunn on the issue of mining safety in Kentucky. Governor Nunn, however, has failed to accept the invitation.

Law School education has traditionally suffered from being a mirror image of the commercial needs of legal practice. This narrow focus has severely restricted the full potential of legal education in preparing students to meet the major challenges of the law after they graduate. Untold misery can result to working men and consumers from a failure of law schools to recognize that their role should be to lead in the definition of legal problems, professional roles and legal remedies, however upsetting such leadership may be to economic and political powers.

No clearer illustration of this neglect can be given than the avoidance of such leadership by coal states' law schools in the area of health, safety and workmen's compensation for coal miners. Mining hazards and coal dust disease are the major forms of violence in coal mining regions—sometimes explosive violence as in a mine collapse or gas-dust explosion, but very often the silent violence that destroys the lungs of miners.



RALPH NADER

Coal mining is this country's most hazardous occupation in both the categories of disease and trauma. It does not have to be so where there is a comprehensive rule of law and enforcement of that law. Coal operators—placing the value of coal above that of the miner—have perpetuated one of the cruelest environments known to working man. Picture the scene which only in recent months has even become known to the general public: miners at the working face of the mine—the site of most casualties—are given no protection of federal law because that working face is exempted from safety standards; faulty electrical equipment is allowed to continue in operation without replacement; no dust standard exists to prevent black lung disease although such standards have existed in many Western European countries; chemical toilets are not even available in most mines; miners work almost in utter darkness, except for the ray of light from their hard hats. What other occupation in this country brings a lethal lung disease to at least half of its working force? What other occupation is ruled by an industry so callous (in the middle of record profits) that it has refused to provide workmen's compen-

sation for black lung disease? What other occupation is ruled by corporations which have corrupted physicians into calling black lung "asthma" and not work-related, and which have infiltrated a union whose leadership snuggles up to coal company executives and is increasingly remote from the rank and file miner whose dues support his leaders' expensive living habits?

These abuses and anachronies involve serious legal problems and call for legal reforms. The absence of such studies and policy proposals characterize the law reviews of the University of Kentucky, the University of Virginia, the University of West Virginia and the University of Pennsylvania. The mirror-image of the power alignments in the coal industry and the injustices in the existing law remains to this day at law schools in these states. It is time for solid and rapid change if the law schools are to be true to their neglected ideals. Law and order for coal corporations are long overdue. To cite one example, at least 1200 Kentucky coal mines are violating the state's workmen's compensation law, according to data in the state's Department of Labor. Government officials have known about this for years but the law has never been invoked. State inspectors very often let coal operators know they are coming; many federal inspectors do likewise. Even then, many violations are recorded but penalties are never imposed.

Other injustices abound. Coal miners, who lose time from work when mines have to shut down due to owner-bred hazards, do not receive any pay. The United Mine Workers Welfare and Retirement Fund has been badly mismanaged and harshly administered against miners who plead to qualify for their pension. The Fund can arbitrarily refuse to give a miner a hearing after denying his plea. If a miner qualifies, he may receive \$1350 a year in pension. But the UMWA's chief, Tony Boyle, will receive \$50,000 a year in pension drawn

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David Murrell

Action Taken On Mining Laws

David Murrell graduated from the University of Kentucky College of Law in 1963 and has served as Assistant Attorney General of the Commonwealth of Kentucky for the past five years.

Since the Mannington, West Virginia coal mine disaster of last summer and the Greenville Kentucky tragedy where nine men lost their lives, the national conscience has been stirred to do something about coal mine safety. Through the work of Ralph Nader and other social action citizens, the problems relating to coal mine safety and health have gained much publicity. All of this rumbling of a need for action did not mature into anything specific until the Attorney General learned that many coal mining companies did not comply with the state's workmen's compensation law. Kentucky law requires that all coal companies employing three or more persons must have workmen's

compensation insurance approved by the Commissioner of Labor. The law has been in effect since 1946, but this is the first time for a wholesale attempt to enforce it. Of the approximate two thousand mines licensed in Kentucky, less than one third were in compliance with the law last year.

There have been complaints by Mr. Nader and others about the inadequacy of our workmen's compensation—especially in regard to compensation for victims of "black lung" disease. Our law does permit recovery where the general lung disability of pneumoconiosis has been established and where the board finds that the occupation of coal mining was the cause of such disability. This would take care of the "black lung" problem if the workmen's compensation board would more often sustain an award based on the medical evidence submitted in be-

half of the plaintiff. It is pointed out in passing that this board is now represented totally by direct appointees of Governor Nunn.

At the Governor's press conference held on February 21, 1969 an aid speaking for the Governor stated that the Governor and his cabinet were in accord with the Attorney General's previous statements that it was the responsibility of the state's legal head to enforce the workmen's compensation law. The aid also questioned why the Attorney General had not enforced such law.

There is a clear distinction between the enforcement of a law and its administration. The Department of Labor and Department of Mines and Minerals deal with the everyday administration of the workmen's compensation law and laws relating to the inspection and regulation of mines. The Department of Law

with its small staff cannot keep track, even though we try, of every infraction of law. It has to be reported to us by other agencies and citizens more intimately connected with the day to day operations of a particular business. Regrettably, the Attorney General was not apprised of the situation existing in regard to the enforcement of the workmen's compensation law in the coal mining industry until the Courier-Journal ran a series of articles on the subject. On February 10, the Department of Mines and Minerals were requested to furnish the Attorney General with a list of all licensed mines within the Commonwealth. After receiving this list the Attorney General directed the Department of Labor to determine which of the licensed mines had proper workmen's compensation coverage. After we learned that the Department of Labor

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COMMENT

ANGEL UNAWARE

This is the booming age for the social protestors. Street marchers, human torches, bearded placard bearers are all in style. There have been hues and cries from the more sophisticated liberal sect of the legal profession for more social protest within the law schools. For one glorious but fleeting moment the UK Law School had the golden opportunity to be in the vanguard of social reform—but alas, we blew it! On the night of March 31st at the Law Journal Banquet, a seemingly harmless and anonymous law school professor had visions of grandeur accompanying his attendance. In a Don Quixote like manner Professor Alvin Goldman was motivated to attend the festivities by his crusading aim to render a blow for the liberal legal sect. He had pulled from his files Protest 453-D which consisted basically of two old lectures on church-state separation and an autographed picture of Madalyn Murray. Indeed the dye had been cast, the time was right, Professor Goldman was intending to launch a protest that would be heard all over the state—well at least Fayette County, for sure some of the boys at the law school would know about it; the most ghastly and significant gesture of them all—The Invocation Protest!

As the invocation was asked to be given, Professor Goldman suddenly wheeled from his chair and left the room until the prayer had been given. He then returned to the dining hall with the glorious expression of a conquering crusader who had just leveled a tumultuous volley against the establishment. Alvie Goldman had done "his thing."

Little did Professor Goldman realize that the chance for real stardom—true immortality on the list of all great protestors—had past him by. He had fumbled the opportunity to stage the most unique and flamboyant protest of them all—The Meat and Fish Protest. In his eagerness to implement the details of plan 453-D, he had completely overlooked the fact that due to this being the Lenten season, and the event being held on Friday, the Law Journal had seen fit to offer a choice between fish and meat—a flagrant violation of the separation of church and state principle. Since Professor Goldman is a subscriber of all protest publications e.g., The Kentucky Kemel, and well informed of all current protest issues across the nation, he examined his menu carefully to be sure that no grapes would be served. Once satisfying himself on this possibility, he then attacked his meat with great gusto unaware that he was gobbling away his chance for stardom. Indeed he had eaten his protest. Had he been more perceptive of the possibilities, he could have scored a unique coup to the astonishment of everyone. In fact he could have scored the "daily double" of them all—the rarest combination of the Invocation and Meat-Fish Protest! Professor Goldman could have walked out on the prayer and returned to sit in silent protest, munching parsley as the religious rites of meat and fish were being consumed. For in the interesting history of the social protest movements, there have been countless numbers of walk outs on prayer in public institutions. But never has there been any man to show the intestinal fortitude to eat parsley while carnivorous colleagues were woofing down seafood and steak. In short Alvie blew it! Oh well, at least the boys in the faculty coffee lounge know about it and after all there's always next year. Go get 'em Alvin!

COMMENTATOR PLOT IS FOILED

In the last issue the results of the *Commentator's* teacher evaluation was reported. One of the law school professors has accused the *Commentator* of "rigging" the poll to make some teachers look good and others look bad. We are indeed fortunate to be endowed with such a mature and perceptive professor. For, indeed, had it not been brought to the surface, the devious scheme of the *Commentator* would have been carried out to perfection. For in fact the Kentucky Alliance for Displacement of Coolies (KADC) has infiltrated the *Commentator* staff with secret agents, believing that some of the professors at the law school are right wing fascists with treacherous ideas or, that is to say, volatile plots to overthrow the state government. Subsequently the KADC initiated a plan to bring suspicion upon certain professors so that their positions would be placed in jeopardy. This would enable certain pressure to be brought against such disparaged persons for their professional incompetency while their political and constitutionally protected acts would not appear to be in question. The "rigging" of the student opinion poll was the perfect device to implement such strategy. However the plan was foiled when the Arkansas secret service with the help of the UK professor discovered that the ultimate plight of the ejected professors would be life long exile in the Ozarks teaching replevining of mules. After observing who the individuals were with poor rating, the Arkansas state government reported the *Commentator* activity to the Feds. It alleged that such action would be a slap in the face to the prestige of the Arkansas legal system. That is to say they don't want them either. Now that the integrity of the *Commentator* staff has been dutifully abashed, the teacher evaluation drive will probably be laid to rest. The cool and rational judgment of a law school professor has saved the law school from collapse and himself from future embarrassment.

FROM THE COMMENTATOR STAFF

This is the last issue for the current *Kentucky Commentator* staff. In the past four issues we have attempted to touch on various contemporary items of interest. The law school and its faculty, the state bar association and bar examination, the General Assembly, and even personalities have been discussed and commented on. While at times it may have appeared that the *Commentator* approached all things with a hyper-critical eye, it should not go unmentioned that the role of any newspaper is to incite some interest and not to lull its readers with normalcy. The integrity of the law school faculty has never been questioned any more than that of the students. The format used by the *Commentator* for the past year has been one that has hopefully encouraged dialogue between faculty and students, law school and the members of the bar, as well as between national personalities and all the readers. The *Kentucky Commentator* staff is proud of its law school, of its state and its profession. But it is not pride without a certain amount of humility. And perhaps this degree of humility is the reason to be critical.

Commentator Subscriptions

The *Kentucky Commentator* is available free of charge for all University of Kentucky Law Alumni. In order to keep our mailing list up to date it is requested that if this issue was not sent to your present address that you complete the following form and return it to the *Kentucky Commentator*, University of Kentucky College of Law.

NAME

Current Address

NOTICE

In response to the interest expressed by a number of students to establish a scholarship fund in memory of Bill Ed Mills, the Student-Faculty Scholarship Committee has proposed a method by which this may be accomplished. The fund will be entitled the William Edward Mills Memorial Fund. Its purpose will be to award scholarships annually to law students on the basis of need and academic merit. The final goal of the fund is \$10,000. Three hundred and fifty dollars (\$350) will be awarded annually until the fund reaches the goal of \$10,000; then the accumulated capital and additional contributions are to be administered on an endowed basis with the income annually dispersed as scholarships.

Action Taken On Mining Laws

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had all the information necessary to begin a determination as to which company was in violation of the workmen's compensation law, a procedure was agreed upon which would permit the Department of Labor to report to our office, on a continuing basis, the names of those companies thought to be conducting business in violation of the law. This procedure was adopted after we learned that a match-up of the mine licensees with those reported to having workmen's compensation insurance would not necessarily disclose those companies which were in violation of the law since (1) the licensee list did not show which companies had less than three employees as required for coverage under the law, and (2) several of the licensees might be covered under workmen's compensation insurance policy carried in the name of one corporation—but which may contain several subsidiaries with separate licenses. For these and other technical reasons, we decided to proceed, for the time being at least, against those companies reported by the Department of Labor as violating the compensation law.

We have now begun enforcement action by mailing letters of notice to each company allegedly in violation of the law, demanding that it comply within ten days or that we will seek appropriate legal action to restrain the company from doing business within this state until the company has complied with the provisions of the workmen's compensation law.

The 1970 General Assembly should create a legislative presumption that if an employee works in a mine for a long period of time and suffers from a respiratory ailment, the law will presume that such disability is incurred by reason of the exposure to coal dust in the mines thus making the claimant eligible for benefits under the workmen's compensation law. If an employee has worked in the mines for twenty years and has de-

veloped chronic bronchitis, or some other respiratory ailment, the law should allow him to recover compensation. Also, the General Assembly should consider the passage of a severance tax on the coal mining industry. At present two thirds of all Special Fund recoveries are being paid to insurance carriers holding policies on coal mining companies. Consequently, such diseases as silicosis and pneumoconiosis are making up two thirds of the awards made by the Special Fund which is liable for injuries or diseases that may be incurred or aggravated by more than one company. This Special Fund is financed by a tax on all workmen's compensation insurance carriers. Thus, coal mine respiratory illnesses are being compensated by the entire workmen's compensation insurance market even though only one third of such Special Fund liabilities occur in non-coal mining industries. It would be appropriate that the coal mining industry pay its own way by paying a severance tax which would subsidize not only a sufficient compensation plan for injured employees but would also finance hospital and rehabilitation care for victims of "black lung" and other related respiratory ailments.

In this noble experiment of democracy we cannot determine whether we have approached or realized the finest form of government without a realistic testing of each and every proposed law and practice. If a particular law is unjust, it should be enforced during its initial implementation so that its unworthiness can be perceived and remedied by the people. If by enforcing the workmen's compensation law we have done injustice to someone, let him be heard now so that the injustice will not be enhanced hereafter. In order to have a just system for both the employee and the employer we need not only effective and adequate laws on the books but we also need and require proper administration and enforcement of such laws.

ON THE DOCKET

LAW ALUMNI DAY

The annual Law-Alumni Day Program of the University of Kentucky College of Law was held April 11 and 12, 1969.

The spring event was gotten underway Friday afternoon in the Law School Courtroom with the finals of the Senior Trial Competition. This year's case was *Commonwealth v. Bennett*, a robbery case, with Dean Rice and Frank Dickey acting as co-counsel for the Commonwealth, and Dixie Satterfield and Dave Denton as co-counsel for the defense. A winner's prize of one hundred dollars was awarded to Dave Denton and Frank Dickey, with fifty dollars going to Mr. Rice and Mr. Satterfield.

On Friday evening at 8:00 p.m. the keynote address for Law Alumni Day was delivered by Dr. James B. Donovan. Dr. Donovan was instrumental in the exchange of Russian spy Rudolph Abel for American U-2 pilot Gary Powers in 1962 as well as the release of the Bay of Pigs prisoners in the same year. The topic of Dr. Donovan's address was "Civil Rights on the Campus."

An Awards Luncheon was held at noon Saturday, April 12, in the UK Student Center, with Mr. Charles Coy, president of the Kentucky Bar Association, giving the address. Awards presented at the Luncheon were as follows: **Order of the Coif**, Bill Jones, Larry Kelly, Buddy Bishop, Biff Campbell, Ed Glasscock, Gary Herfel, Bill Howard, Joe Miller, Gary Smith (Additional members will be awarded later.) **Fraternity Awards**: Delta Theta Phi, Larry Roberts; Phi Delta Phi, Outstanding Senior, Ed Glasscock; Service to Phi Delta Phi, Frank Dickey; Kappa Beta Pi, Carolyn Connel; **Property Abstract**, John Leith and Jim Brickley; **Moot Court**, Dean Rice, Larry Greathouse, and John Leith; **Legal Aid**, Larry Roberts; **Practice Court**, Frank Dickey, Dixie Satterfield, David Denton, and Dean Rice; **Student Bar Association**, Outstanding Committee Chairman, Jim Brien and David Deep; **Clarence Darrow Award**, Woodford Gardner and Kay Alley; **Roy Moreland Award**, Larry Roberts; **President's Award**, Vic Fox; **Professional Responsibility Award**, Don Mintmire and



ROBERT A. SEDLER

Outstanding Professor

Bill Cunningham; **Highest Cumulative Average By Year, End of Fall 1968 Semester**, First Year, Sheryl G. Snyder; Second Year, William S. Cooper; Third Year, Joseph H. Miller. In addition to the above, awards were presented to individual students, by course and section, for the highest grade in particular courses in the law school curriculum.

The **Outstanding Professor Award** is a yearly award presented on the basis of votes of preference cast by members of the Senior Class. This year, the award was presented to Professor Robert Sedler. Since his arrival at the University of Kentucky College at Law in 1966, "controversial" has more often than not been the word used to describe many of the activities and views of Prof. Sedler. It should be indicative, however, of the respect and esteem which is paid to Prof. Sedler's ability as a teacher that his selection as Outstanding Professor was made by the same law school student body that gave over 85 percent of its votes to Richard M. Nixon and George C. Wallace in a mock election held in the fall of 1968. It should be indicative of the respect paid him by his 3rd year students with such selection made amid rumors that those students of a more "liberal" bent have lately had a higher fatality rate in passing the Kentucky Bar. It should be a tribute to his ability that in the recent Teacher Evaluation Poll sponsored by the *Commentator* 77.3 percent of the voting students named Prof. Sedler as "most outstanding in the classroom." It is only fitting that the Outstanding Professor Award for 1968-69 should be presented to Prof. Robert A. Sedler.

ON THE STAND . . . Honorable Charles R. Coy

Mr. Charles R. Coy is a native of Richmond, Kentucky. He attended Eastern Kentucky State University where he graduated in 1949. He received his law degree at the University of Kentucky in 1951. Mr. Coy practices law in Richmond where he now lives with his wife and two children. He is a member of the American Bar Association, American Trial Lawyers Association, National Association of Defense Attorneys in Criminal Cases, Kentucky Bar Association and is Past President of the University of Kentucky College of Law Alumni. In addition to being the President of the Kentucky Bar Association, he is presently Commonwealth's Attorney for the 25th Judicial District.



Commentator: What is the general opinion of the Kentucky Bar Association concerning UK law students?

Mr. Coy: There are 4200 members of the state Bar and there are, of course, many different opinions. Basically I think most lawyers consider the law student who is now entering the profession to be far better equipped than my contemporaries were during the post World War II era. I'm not sure whether it's the quality of education or quality of student.

Not only is the young lawyer better equipped but I think he's far more capable than was the average student at the time that I finished law school.

Commentator: Mr. Coy, do you think that there is any kind of friction between the local bar of Fayette County and the UK Law School?

Mr. Coy: I know what the source of your question is. I know that Professor Sedler and some other members of the faculty do not measure up to what a law professor should be as far as the Fayette County Bar Association is concerned. They feel that some members of the faculty at the College of Law do not fit the proper mold for the professor of law. On the other hand, it seems to me that neither the Fayette County Bar Association nor the State Bar Association can dictate to the College of Law what it ought to teach or who it should employ to teach.

Commentator: What is your opinion of the faculty at the UK College of Law?

Mr. Coy: I can't answer that question except to say as I earlier indicated—that I think the average law student of today is much better equipped than the average graduate of the Law School when I graduate in 1951.

Commentator: So we can infer that you respect the quality of instruction at UK?

Mr. Coy: Well, reasonable amount of respect for the instruction, but a high regard for the quality of students.

Commentator: What can a student do to better prepare himself to be a skillful attorney as quick as he gets out of law school and how can the law school aid him in this preparation?

Mr. Coy: I don't think that the responsibility of the law school ends at graduation. Nor do I think that it ends with the bar exam. There is the view among legal educators that their purpose is to educate people in the law and not necessarily to train them to practice. The reason is that a great many people now attend law school who don't expect to practice law. Apparently the great majority of students do. What results is that the educators contend that you put too much emphasis on the skill courses in the law school, and you don't cover the subject matter that needs to be covered. Some states like New Jersey require a nine month apprenticeship. What I say indicates that maybe I feel that it's solely the law school that is falling down. I think that the Bar Association has an equal responsibility with respect to the quality of lawyers that we're going to represent to the public. I have spent time trying to impress upon our governing body the necessity for the developing of a real first class program of continuing legal education. I have not completed this and at this stage I would say that I'm not much farther than I was nine months ago. I think again that there is a breakdown in the relationship between the Law School and the Bar. The people who are beginning to practice law suffer from the results of this breakdown.

"After you get over to Lexington and get used to drinking bourbon and branch water, it's sorta hard to go back to Richmond to practice law. And I think that's one thing that accounts for the size of the Fayette County Bar."

"Neither the Fayette County Bar Association nor the State Bar Association can dictate to the College of Law what it ought to teach or who it should employ to teach."

"I don't care what stand a lawyer takes on any question. I just think he ought to take one. And I think when he takes one he ought to be damn bitter about it."

Commentator: What is the reason, do you think, for the opposition to the idea of the Bar Association accepting the responsibility to train young lawyers?

Mr. Coy: It's simply a matter of priorities I think. We have to determine what those priorities are. We have to keep abreast on the Public Relations-Economics Program which is a continuing program. It seems to me that you can't escape the fact that continuing legal education is the greatest Public Relations program. Another thing is that most of us lawyers, after we get to a certain age think we know everything. However, you find that most lawyers under forty have a real interest in the kind of program that I'm talking about.

Commentator: Some of the faculty have expressed their opinion that the Law School should teach only legal theory and the Bar Association should have the responsibility of training the lawyer for the practical skills. Do you have any ideas as to programs the Bar Association could offer which will give the law student some practical experience?

Mr. Coy: I'm convinced that we need a "bridging-the-gap" course. Wisconsin has this type of program. They have a full time faculty member to design and coordinate the course. Incidentally, the first such course that was designed in the United States was started by Marlin Volz, who is now at the University of Louisville. I'd like to see us go to a program by which a student who has made his way through the Bar Examination is exposed to practicing lawyers, and practicing lawyers are exposed to those persons who have just completed the Bar Exam. I think that the student has much to teach a practicing lawyer. By the same token, I think that the lawyer teaches the student. What you do is have six to eight lawyers a week to come in and take different subjects. People who are skilled in one particular area would sit down and let people who have just completed law school work out the problems themselves. Let them organize a closed corporation, draft a lease for an apartment, and then have a critique on it. Right now with the amount of bankruptcy, maybe they can prepare a report on bankruptcy or go down to a bankruptcy court, fill out a report on it and talk with the attorneys about it. I'm not talking about a one week sort of thing. What I'm talking about is something maybe from six to twelve weeks. It seems to me that this would be a real service to the people who have taken the Bar Exam and in addition, a service to the public, since we won't be forcing people on them who do not even know how to get to the court house.

Commentator: You have expressed your ideas on the matter and what you felt was the opinion of many of the Law School Professors. There's obviously a problem here of communications between the State Bar Association and the Law School. What needs to be done to bridge this gap of communication?

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AMICUS CURIAE . . . Friends Of The Court

PRACTICALITY IN LAW SCHOOL: A PRACTICAL IMPRACTICALITY

Just before spring break Mr. Sedler's Conflicts class developed into an extremely relevant discussion about what changes could be made in the third year curriculum. It is obvious that change is necessary. Personally, total boredom and excessive cutting have dominated much of my third year. I do not feel that this indicates a lack of interest in law. Rather, I think it reflects, at least in part, my disgust with the method, not the quality, of instruction in the third year. This, in my opinion, destroys one's desire to learn.

Since broad generalities will accomplish nothing, I propose (realizing fully my many youthful misgivings) that changes be made along these lines. These changes, in my opinion, will give us at least the opportunity to have a more practical understanding of the law.

First, practice court should be extended. Everyone should have an opportunity to try one criminal case and one civil case each year. To me, my participation in this was the most valuable experience in my third year. I realize that there are administrative problems here, such as who would conduct the court. This, however, should not deter such a valuable addition.

Second, I would suggest an increased program of what may be termed "practical seminars." Mr. Lawson has suggested to me the possibility of a course in criminal litigation, taught by a series

of films; Mr. Batt could teach courses such as how to pick and persuade a jury. These are but random examples of courses which I feel could help teach us to be lawyers.

Third, and possibly most important, I would suggest that a new approach be taken in some courses. I think one's biggest difficulty (at least from my point of view) in approaching the practice of law is that we have never before practiced law. We do not, for example, know how to settle out of court to the advantage of our client. I feel the law school can aid us in this area by problem-oriented courses.

Under this approach, a teacher would hand two men a fact sheet dealing with some problem in this teacher's specialty. One student would be plaintiff's attorney; the other would be defendant's attorney. Then, "tum 'em loose." Let these two students research, file motions, file pleadings, try to settle, and, if necessary, go to court. This type course would, in my opinion, fill a large gap in our present course structure. It would at least show us that we can be lawyers.

Fourth, I would suggest there be some course offered—on the order of moot court—in which third year students write briefs and argue before appellate judges. This would be a small class, and may be of interest only for those who have not participated in moot court. This, perhaps, could be coordinated with prac-

tice court, allowing appeals by those who desire.

Fifth, I urge the College of Law to support Mr. Lawson's attempt to have passed a resolution whereby third year law students can, under the supervision of a competent attorney, defend in indigent cases. The value of such experience cannot be overemphasized. I feel that such a program is possible if, and only if, the College wholly supports it.

I realize that the above outlined program is not without administrative problems. This, however, is no reason for the administration to "sit on its can." You, the administration, owe us more than this. You owe to the students at least the opportunity to approach practicality, as well as the opportunity to avoid boredom.

Biff Campbell

SALUTE TO THE LIBRARY

It is often those things most noticeable and apparent that we notice the least; it is a rare occurrence for us to stop and give so much as a passing glance to acknowledge their existence. A case in point, and the subject of this letter, is the law school library.

Although some of the law school student body uses the library more than other, it should be obvious to all visitors that the law library has a great deal to offer. Nestled within the three-floor structure are over 95,000 bound volumes; this figure alone places our law library

in the upper third of all law school libraries in the United States in that category. Approximately \$50,000 per year is expended to stock the law library with over 5000 new books, 450 legal periodicals, 75 loose-leaf services, newspapers and magazines of diverse subject; this price does not even include the cost of binding of books, salaries of employees, maintenance, etc. Among other possessions, the law library contains an extensive collection of British Commonwealth material (the largest in the southeast), briefs of the Court of Appeals of Kentucky and of the United States Supreme Court, the famous Kocourek collection on jurisprudence, and books added yearly from the fund created for our law school by former Supreme Court Justice Stanley F. Reed.

The law library employs a full time staff of seven, a librarian, and twenty law students. Probably the most outstanding feature of the library is its staff. Always ready and willing to answer any question, staff members can be seen daily researching material for attorneys all over the state, helping law students, from those digging out legal bibliography questions to those searching complex legal intricacies, to solve a particular issue. The law library is utilized not only by UK law students, but other students from this and other universities, local attorneys and interested persons throughout the Commonwealth.

The greatest asset of the law library

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ON THE STAND . . . Honorable Charles R. Coy

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Mr. Coy: I think Bill Matthews could tell you that I've talked with him probably no less than five or six times since I've been president of the Bar Association about these problems. The College of Law like the Bar Association has budgetary problems and limitations. I'm not suggesting that because of the lack of money we swept everything under the rug. In fact the last time I talked to Dean Matthews about it, he indicated that if we could find a member of the faculty who has sufficient interest in this kind of program he would try to arrange their schedule so that we could do it. The problem is, as I understand it, that most of the professors are on nine months contracts. This is the time that some of them do their research, or their American Civil Liberties Union work or whatever it may be. So we have to find somebody on the faculty who would be interested in the development of this kind of a program. The second thing that we have to do is to then go forward toward designing the program, and the course itself and the involvement of lawyers as the group leaders. I don't think any one lawyer ought to have over seven people to work with on a specific subject over a given period of time. So we could have six or seven lawyers who do have skill and expertise in that field to come in and work with the member of the faculty who in effect would be a director. It's not too idealistic. It seems to me to be a practical program, and one that we ought to be able to work out, if we found somebody on the faculty who would like to take the program.

Commentator: There are a lot of attorneys around the state that are interested in seeing young men—capable young men—become attorneys and stay in Kentucky. One charge that I've heard levied against the Bar Association is the fact that there is really no recruitment of young lawyers. As a result a lot of young men who might stay in Kentucky and practice law hasten to jump at an opportunity with the federal government and large firms and leave the state of Kentucky. What can be done to rectify this?

Mr. Coy: At the time that I got out of law school there were about two or three things that you could do. One of them was that you could get a job adjusting insurance if you were lucky and that paid maybe \$300 a month. The best student in every class was offered a job with a Lexington law firm and he got \$150 a month and got to work in the library for a year and then they would consider whether or not they would keep him. And the third thing was that you could do was to go on back home and start practicing. I elected to do the latter of these probably because I couldn't have qualified for either of the other two—certainly not for the second. So I think that the opportunities in the practice are much greater now than they were twenty years ago. Those of us who started practicing about that time aren't really aware of what's going on. We think at times that it's like it was then and that if somebody wants a place they'll come and see about it and we ought not

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is the competence of its librarians, past and present. The late Miss Dorothy Salmon has left a legacy that will be hard for any person to match. Her complete devotion, constant labor and total dedication to the law library created a well-run and highly superior system that will forever bear great indebtedness to her memory. With little more than a great hope she fashioned a law library that stands out among all others in its field for efficiency, quality and growth potential. Her presence will be deeply missed by all who knew and were associated with her.

Paul Willis, who has served as librarian during the past school year, has proved more than worthy of the trust placed in him. Paul, who somehow manages to attend law school classes while vitally concerned with law school administration, is a highly-skilled and professional librarian. His sound judgment and even-temper has not only enabled the law library to survive what could have been a disastrous period, but has permitted further growth and expansion. It is with the sincerest gratitude and appreciation that we welcome Paul as successor to Miss Salmon as our permanent librarian.

Thus it readily can be seen that the law library, a place that we daily take for granted, deserves these few words of praise. The next time you enter the library it might be worthwhile to stop for a moment and appreciate what has been placed there for your benefit.

Joseph H. Miller

LITIGANT VS. LITIGANT OR ATTORNEY VS. ATTORNEY

A lawyer's most vital function is to give counsel. But counsel, like preventive

SBA Elections

The Student Bar Association recently held its election of officers for the 69-70 school year. Steve Gray was elected President with Aubrey Brown as his Vice President. Landy Williams was elected Secretary and Joe Eckhaus will be the new Treasurer. Bob Palmer was elected to the Third Year Representative position and Pete Gullett will represent the second year students.

medicine, is seldom appreciated because the client, like the patient, never realizes what evil has been forestalled. Men are prone to think of lawyers as dealing only with controversies. But truth cannot be found in antagonism. "Truth is lost in the midst of disputes," according to an old Latin maxim.

These words bear a special significance to those who champion the rights of men in the legal arena. To stand charged with a crime is a humiliating experience, and it is indicative of man's charity to man that he has provided that when one stands accused, he shall not stand alone. In the courtroom verbal confrontation between opposing lawyers replaces the sword as the means of determining the guilt or innocence of the accused. Tensions and frustrations mount as the endeavor of counsel meet with acceptance or rejection. When the litigant is most in need of an enlightened defense, he may find his legal interests secondary to the courtroom histrionics of opposing counsel. No true lawyer would desecrate his profession by allowing personal antagonism to display itself before judge and jury. To disagree is only human, and lawyers are indeed human. But the preservation of the legal profession as the guardian against the tyranny of the majority, as society's last stand for reason against emotion, will not permit a lawyer's predilections to jeopardize the rights of his client in a court of law. Personality conflicts have no place in a lawyer's courtroom demeanor.

It has been said that the practice of law is a service in statesmanship. Those who practice it are brought into contact with all kinds of men, and the lawyer grows to be all things to all men. The breadth of his wisdom and sympathy make him a strong influence, an influence sharply recognized by those who oppose the things he espouses. If this nation is to progress because of men who, in Justice Holmes's words, can live greatly in the law, drink the bitter cup of heroism, and wear their hearts out after the unattainable, it is important that those who aspire to the legal profession be men who are able to transcend their human dislikes and make their courtroom conduct an attribute, not a liability.

Greg Wehman

to have to recruit. I know a fellow who practices in Eastern Kentucky who has a substantial practice who has had two or three or four fellows with him and he pays well. They just don't like living where he practices. You know after you get over to Lexington and get used to drinking bourbon and branch water it's sort of hard to go back to Richmond and practice law. And I think that's one thing that accounts for the size of the Fayette County Bar—there are just a lot of people who have gone to the UK Law School who like Lexington and stay. Maybe even knowing that they are not going to do any good in the practice. I sometimes wonder how they keep from soliciting each other. They don't wear badges. There is a Junior Bar Conference of the State Bar Association that does operate a placement service. Terrance Fitzgerald of Louisville is the chairman of that placement service and they have had increasing success. Maybe it's not quite comprehensive enough but it seems to me that maybe this is the answer for some sort of a placement operation, some sort of a clearinghouse for lawyers. But I point out that everybody can't practice in Lexington and Louisville. Although I would guess that in these two communities there is forty percent of the bar or better.

Commentator: Mr. Coy, what is your opinion of the bar examination? Do you think it is necessary and serves a worthwhile purpose?

Mr. Coy: When I graduated from law school I thought it was the biggest disgrace that was ever perpetrated on a graduate of an accredited law school. The minute I passed the bar I thought the standards ought to be raised. Seriously, I think the bar examination serves a useful function. I'm not a legal educator and I don't know a thing about it. Maybe teaching the land use law in California is important to a University of Kentucky student. I don't know, but if that is what we're going to teach it seems to me that there have to be some controls and the only way I know to do that is through the bar examination.

Commentator: You stated previously that it was the bar examiners' responsibility as far as regulating the influx of lawyers into the Kentucky market. Is there any kind of pressure within the Bar Association itself to raise the standard for persons applying to get into law school?

Mr. Coy: Well, I think that's a very difficult question. You know the thing that bothers me is not so much the quality of the student because this is the thing that can be controlled academically. The thing that does bother me is that there are people in law school right now—and you all probably know them—who are going to be subject to some disciplinary action on the part of the bar association within five to ten years after they are admitted. You know that as well as I. Now it seems to me that there is a need for some sort of a character fitness investigation. This is not the job of the law school of course. So you can't eliminate them from the law schools and unfortunately our character investigations in most cases don't really reveal that fellow until it's too late. This is the real problem as far as admitting lawyers to practice.

Commentator: You seem to feel a need to weed out the students or to be a little more selective. What is your reason for this idea?

Mr. Coy: Because I don't think that we would ever have these disciplinary cases if we did that. You know the fellow who cheats on exams. He's the fellow who's going to cheat his clients. He's the fellow who is going to be in trouble sooner or later with the Bar. Now if we had some way that we could keep these people from ever starting to practice then obviously there would be very little need for very much disciplinary action on the part of the bar association. Don't misunderstand me, this is a very small percentage but it is, nonetheless, a problem.

Commentator: What criticisms does the Kentucky Bar Association have of the University of Kentucky Law School?

Mr. Coy: Well, I don't think that it's the prerogative of either the individual lawyer or the Bar Association itself to attempt to dictate to the Law School or even to try to suggest to the Law School the kind of law professor it ought to employ. After all there are a lot of things that go into a good professor other than his personal opinions, his personal beliefs or his persuasion.

Commentator: Mr. Coy, you have questioned the quality of representation of the indigents. There is a program now in the embryonic stages at the University of Kentucky Law School which proposes to let the law students in their third year represent indigents in misdemeanor cases. You've expressed reservations here about the quality of representation indigents are getting. Would you comment on this proposed program and the problems that you can foresee?

Mr. Coy: I would think that with the supervision that you now have in your legal aid program, and I can't speak for the Fayette County Bar, it probably should not meet with any serious objections. I don't think that there should be any serious objection to this kind of program that you're talking about if there is some supervision of the program by practitioners.

Commentator: There has been a certain amount of studies and surveys that have been run and I'm sure you've seen the results in editorials which indicate that the legal program is not standing as it once did. Could you comment on the reason for this?

Mr. Coy: I think it's a valid criticism. I think that the lawyer doesn't stand as high in the public image as he once did. I think that in part it's his own fault. You know there's been a time in our society when lawyers were molders of public opinion for the simple reason that people looked to the lawyer as the fellow in the community with the greatest expertise upon public questions and public issues. Historically, lawyers have always been willing to speak out on public issues and public questions. But what has happened is we've gotten so busy making money that we've lost sight of this professional obligation that we have to the public at large to speak out on public questions. I don't care what stand any lawyer takes on any question—I just think he ought to take one. And I think when he takes one he ought to be 'damn bitter' about it. I think he ought to be willing to speak out on public questions.

The Kentucky Commentator

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Nader Challenges UK Law Students

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from an elite pension fund for the UMWA's top 400 executives. The UMWA owns the National Bank of Washington where resides around \$120 million of the UMW's Welfare and Retirement Fund's funds. Shockingly enough, around \$70 million of this sum is in an interest free checking account—a nice subsidy to the

UMWA's National Bank of Washington. Tony Boyle is a Director of the Bank. What about the federal labor laws here and issues of trust fund mismanagement and UMWA's conflict of interest? What about the propriety of the UMWA's National Bank of Washington lending money to coal operators at undisclosed interest rates and under secret terms?

I suggest that law students in Kentucky look into these problems as part of their legal research work. They will derive unique educational benefits and make a contribution to their immediate society. They will also prepare themselves for carrying on the needed reforms when they begin practicing law or when they go into government.